

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARQUE GARDELEY,

Plaintiff,

v.

JAMES DZURENDA, et al.,

Defendants.

Case No.; 3:24-cv-00111-MMD-CSD

ORDER**(ECF Nos. 1, 4)**

State prisoner Marque Gardeley brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations he claims he suffered while he was incarcerated at Ely State Prison. (ECF No. 1-1). Plaintiff has twice applied to proceed *in forma pauperis* (“IFP”) in this action. (ECF Nos. 1, 4). Plaintiff’s IFP applications are incomplete because he failed to submit an inmate trust fund account statement for the previous six-month period with them. (See ECF Nos. 1, 4). Moreover, although Plaintiff submitted completed financial certificates with his IFP applications, those documents are based on stale information because they were purportedly signed by prison officials over four months before Plaintiff initiated this action. (ECF Nos. 1 at 4, 4 at 4).

It is therefore ordered that Plaintiff’s first application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice as incomplete.

It is further ordered that Plaintiff’s second application to proceed *in forma pauperis* (ECF No. 4) is denied without prejudice as incomplete.

It is further ordered that Court’s March 8, 2024, order setting a deadline for Plaintiff to either pay the full \$405 filing fee or file with the Court a copy of the inmate’s trust fund account statement for the previous six-month period (ECF No. 3) is vacated.

It is further ordered that Plaintiff has **until May 14, 2024**, to either pay the full \$405 filing fee or file with the Court **a new fully complete application to proceed *in forma pauperis* with all three required documents**: (1) a completed application with the inmate’s two signatures on page 3; (2) a completed financial certificate that is signed both

1 by the inmate and the prison or jail official; and (3) a copy of the inmate's trust fund
2 account statement for the previous six-month period.

3 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
4 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
5 to refile the case with the Court, under a new case number, when Plaintiff can file a
6 complete application to proceed *in forma pauperis* or pay the required filing fee.

7 The Clerk of the Court is directed to resend Plaintiff Marque Gardeley the approved
8 form application to proceed *in forma pauperis* for an inmate and instructions for the same,
9 and to retain the complaint (ECF No. 1-1) but not file it at this time.

10 DATED THIS 18th day of March 2024.

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CRAIG S. DENNEY
UNITED STATES MAGISTRATE JUDGE
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